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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/28/2001

Steven P. Downing

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05/07/2004

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

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EXAMINER

NGUYEN, HOAI AN D

ART UNIT

PAPER NUMBER

2858

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/995,900	Applicant(s) DOWNING, STEVEN P.	
	Examiner Hoai-An D. Nguyen	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-8, 18-20, 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17, 21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-17, 21 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al. (US 6,301,452).

Jackson et al. teaches a paper property sensing system comprising:

- An apparatus (FIG. 1, paper property sensor system 100) for use in a printing device (FIG. 1, reproductive machine 9) having a printzone (FIG. 1, transfer station) in which printing composition is deposited on a print medium (From column 3, line 12 to column 4, line 34), with regard to claims 9 and 17.
- A print medium drive mechanism (FIG. 1, belt 10, developer rollers 26 and 28, conveyors 32, 37 and 46, heated fuser roller 42 and a backup roller 44, rollers 42 and 44, gates 48 and 52) configured to advance the print medium through the print zone (From column 3, line 12 to column 4, line 34), with regard to claims 9 and 17.
- A shim (FIGS. 2A-2G, member 112) biased against the print medium drive mechanism and configured to deflect away from the print medium drive mechanism as the print medium passes between the shim and print medium drive

mechanism (Column 4, lines 49-55, and from column 4, line 66 to column 5, line 20), with regard to claims 9 and 17.

- A proximity sensor (FIG. 1, paper property sensors 110) configured to measure the extent of deflection of shim (From column 4, line 35 to column 5, line 57), with regard to claims 9 and 17.
- A processing device (FIG. 1, controller 38) coupled to the proximity sensor and configured to determine a thickness of the print medium based on the measured extent of deflection of the shim (Column 5, lines 41-57), with regard to claims 10 and 17.
- The proximity sensor is further configured to output a signal indicative of the extent of deflection of the pinch roller mechanism and the processing device is further configured to receive the signal from the proximity sensor and determine the print medium thickness based on this signal (Column 5, lines 21-57), with regard to claims 11 and 24.
- The processing device is further configured to enable initial deposition of printing composition on the print medium by the printing device after receiving the signal from the proximity sensor (From column 3, line 66 to column 4, line 34), with regard to claims 12 and 21.
- The apparatus of claim 9 (FIG. 1, paper property sensor system 100) is in a printing device (FIG. 1, reproductive machine 9) (From column 3, line 12 to column 4, line 34), with regard to claim 13.

- The print medium drive mechanism includes a drive roller (FIG. 1, rollers 42 and 44, rollers at nips 39 and 41) (From column 3, line 30 to column 4, line 34), with regard to claim 14.
- The proximity sensor is positioned adjacent the shim (FIGS. 2A-2G, member 112 and paper property sensors 110), with regard to claim 15.
- The proximity sensor is integral with the shim thereby to move with the shim (FIGS. 2A-2G) (From column 4, line 49 to column 5, line 40), with regard to claim 16.
- The shim is between the proximity sensor and the print medium that is advanced through the printzone (FIGS. 2A-2G), with regard to claim 25.
- The shim is bent to have a natural bias against the print medium drive mechanism (FIGS. 2A-2G) (From column 4, line 49 to column 5, line 40), with regard to claim 26.

Response to Arguments

3. Applicant's arguments with respect to claims 9-17 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is invited to the followings whose inventions disclose similar devices.

Art Unit: 2858

- Rasmussen et al. (US 6,254,081) teaches a regulating vacuum hold of media in a printer.
- Nagai et al. (US 6,431,771) teaches a printer having a platen together with a frame supporting the platen is rotatably mounted on a shaft and a platen gap is regulated by rotary movement of the frame about that shaft to detect thickness of a printing sheet at a first printing position.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai-An D. Nguyen whose telephone number is 571-272-2170. The examiner can normally be reached on M-F (8:00 - 5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le can be reached on 571-272-2233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HADN

Hoai-An D. Nguyen
Examiner
Art Unit 2858

HADN



N. Le
Supervisory Patent Examiner
Technology Center 2800